

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA <i>ex rel.</i>)	
TOMASA HEISKELL,)	
)	
Plaintiffs,)	No. 22-cv-10166-FDS
v.)	
)	<u>FILED UNDER SEAL</u>
MARIO BIANCO,)	
)	
Defendant.)	
)	

NOTICE OF THE UNITED STATES OF ITS ELECTION TO INTERVENE IN PART

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4), the United States notifies the Court of its decision to intervene in part with respect to the above-captioned action. The United States intervenes as to Count 1 of the relator's qui tam Complaint alleging a violation of the False Claims Act, and declines to intervene with respect to all other allegations. In conjunction with this Notice, the United States requests ninety days to file a Complaint-in-Intervention in this matter.

Upon the filing of its Complaint-in-Intervention, the government requests that the Complaint-In-Intervention, the relator's qui tam Complaint, the United States' Notice of Election to Intervene In Part, and all pleadings filed thereafter be unsealed. The government further requests that all other papers on file in this action prior to January 4, 2024, remain under seal because, in discussing the content and extent of the United States' investigation, such papers are provided by law to the Court alone for the sole purpose of evaluating whether the Court should extend the seal and time for an election to intervene.

The United States also reserves the right to seek dismissal of any of the relator's claims on any appropriate grounds, including under 31 U.S.C. §§ 3730(b)(5) and (e)(4).

A proposed order is attached to this notice.

Respectfully submitted,

JOSHUA S. LEVY
Acting United States Attorney

Dated: January 4, 2024

By: /s/ Diane C. Seol
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CERTIFICATE OF SERVICE

I hereby certify that on January 4, 2024, I caused the foregoing document to be served on the following counsel for the relator:

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Pursuant to 31 U.S.C. § 3730(b)(2), no service was made upon the defendant because this case is under seal.

/s/ Diane C. Seol
DIANE C. SEOL
Assistant United States Attorney